



# राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शनिवार, 5 अप्रैल, 2003/15 चैत्र, 1925

## HIGH COURT OF HIMACHAL PRADESH

### NOTIFICATION

Shimla-1, 29th/31st March, 2003

**No. HHC/Rules/Vol. V/97-5557.**—In exercise of the powers vested in it under section 23 of the State of Himachal Pradesh Act, 1970, Section 129 of the Code of Civil Procedure 1908, Section 477 of the Code of Criminal Procedure, 1973, Article 225 of the Constitution of India and all other powers enabling hereunto, the High Court of Himachal Pradesh is pleased to make the following amendments in the “High Court of Himachal Pradesh (Appellate Side) Rules, 1997” :—

1. **Short title.**—These Rules shall be called the “High Court of Himachal Pradesh (Appellate Side) (Third Amendment) Rules, 2003”.

2. **Commencement.**—These Rules shall come into force with immediate effect.

3. **Amendments (1).**—Clauses (i) and (ii) of Rule 1 of Chapter 2 shall be deleted and in their place, new clause being Clause (i) shall be substituted as hereunder :—

(i) “All appeals filed under sections 96, 100 or 104, Code of Civil Procedure, all appeals arising under the Motor Vehicles Act, 1988 Workmen’s compensation Act, 1923, Hindu Marriage Act, 1956, Land Acquisition Act, 1894, Guardian and Wards act, 1890 and all other appeals under any law, except those which under

these Rules or under any other law for the time being in force are required to be heard and decided by a Bench of two Judges or a larger Bench".

- (2) In Rule 1 of Chapter 2, after clause (xi), the following new clause to be numbered as clause (xii), shall be added:—

(xi) All writ petitions filed under Articles 226 or 227 of the Constitution of India, except the following:—

- (a) Writ petitions relating to taxation matters.
- (b) Writ petitions which are in the nature of public interest litigation.
- (c) Such writ petitions where the Judgments of Tribunals constituted under Articles 323-A or 323-B of the Constitution of India are under challenge.
- (d) Such writ petitions which by law or by a judgment of a Court are to be heard by a Bench of two or more Judges.
- (e) Writ petitions in the exercise of extra-ordinary Criminal jurisdiction under Article 226 or 227 of the Constitution, including writ petitions in the nature of Habeas Corpus.
- (f) Such writ petitions where the vires of statute is under challenge.

*Explanation.*—In cases covered by clause (f) above, the writ petition shall be heard by the Division Bench only if at the time of admission, the Division Bench specifically and explicitly forms an opinion that the vires of the statute being under challenge, the case should be heard by a Division Bench. In the absence of such an opinion, the case shall be heard by a Single Bench:

Provided that all the writ petitions, which even though under this clause are to be heard and disposed of by a Single Bench, shall first be listed for admission before a Division Bench and only if and after the Division Bench admits for hearing these would be listed for hearing and disposal before a Single Bench.

- (3) Rule 3 of Chapter 2 shall be deleted.

- (4) The existing Proviso in Rule 4 of Chapter-2 shall be substituted for the following:—

Provided that it shall be open to the Chief Justice to direct, by a general or Special Order that, notwithstanding anything to the contrary contained in this Chapter or anywhere else in these Rules, any matter or case or class or classes of cases shall be heard and disposed of by a Single Bench or a Bench of two or more Judges.

(R. H. P. Exh. dated 5-4-2003 P.19-20)  
BY ORDER OF THE HIGH COURT.

S. K. CHAUDHARY,  
District & Sessions Judge,  
(Inspection).